HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION
Dated Nainital the 15th December, 2006
First Bail Application No. 1129 of 2006

Order on the bail application of the accused.

CRIMINAL SIDE

Smt. Makadi Devi,
w/o Shri Bharat Singh,
R/o Village –Kumdi,
Police Station-Rudraprayag,
District-Rudraprayag. ..... Applicant in Jail.

Versus

State of Uttaranchal ..... Opposite Party

In Case Crime No. 467 of 2006
U/s 498(A) and 304 (B) I.P.C.
P.S. Rudraprayag,
District-Rudraprayag.

Hon'ble Rajesh Tandon, J.

The applicant has applied for bail in Case Crime No. 467 of 2006 U/s 498(A) and 304(B) of I.P.C., P.S. Rudraprayag, District-Rudraprayag.

Heard Sri R.P. Nautiyal, counsel for the applicant and A.G.A. for the State.

A perusal of the FIR shows that the deceased Smt. Bhawna was married with Vinod on 14th October, 2004 according to the Hindu Rights.

The incident occurred on 4th October, 2006 when Smt. Bhawna died. The FIR shows that Smt. Bhawna died on account of hanging. The post-mortem report also shows that cause of death as hanging.

A counter affidavit has been filed, where the statement of Sri Bhajan Singh-brother of the deceased under Section 161 of the Code of Criminal Procedure has been annexed, where the averments have been made that there was a demand of the Gas

Cylinder, Stove and Rs. 10,000/- and later on a telephone call was received regarding suicide case of Smt. Bhawna.

Similar statement has been made by Smt. Surni Devi-mother of the deceased, where also the averments with regard to the Gas Cylinder has been repeated. From the perusal of the entire statements prima facie it does not appear that the accused-applicant was involved in the commission of crime, which has led to the hanging of Smt. Bhawna. State also could not point out nay material to indicate in this regard. However, at this stage I am not entering into the merits of the case. Further the applicant has also submitted that she is fully covered under Section 437 proviso II being women and is aged about 55 years. However, the case of Vinod Singh and Bharat Singh and their role shall be considered independently.

Let the applicant be released on bail on executing personal bond and furnishing two sureties, each of the like amount to the satisfaction of the Magistrate concerned.

(Rajesh Tandon, J.)

Dated 15.12.2006
-Rathour